

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s): Donald Ray Denton et al.

Serial No: 09/829,714

Filing Date: April 10, 2001

Title: FILTER ELEMENT AND METHOD OF MAKING SAME

Examiner: Terry K. Cecil

Art Unit: 1723

Docket No. P135P0060US

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following remarks are made in reply to the Examiner's Answer.

McDonnell '549 teaches an exoskeleton screen 14. McDonnell '475 teaches an almost identical exoskeleton screen 14 and a netting 18 within the screen 14. The Examiner asserts that it would have been obvious "to have" the '478 netting 18 "for" the '549 screen 14 because McDonnell '475 "teaches the benefit of ganging the pleats to cause a flexing action to prevent permanent collapse."

The Examiner's cited reason would perhaps support incorporating the '478 netting 18 into the '549 filter. But this combination would include both a screen 14 and a netting 18. The cited pleat-ganging benefits do not require replacement of the '549 screen with the '478 netting, and may even require a screen-netting structure. The applied art does not predict that the pleat-ganging McDonnell netting 18 could dually function as an exoskeleton. And such a screen-to-netting replacement would result in a change of respective functions.

The Examiner's rejection also requires the netting 18 to be arbitrarily extended to axial dimension of the filter media. But the cited reason for the combination, pleat-ganging benefits, are accomplished by the netting 18 having "a vertical dimension corresponding to about 75% of the length of the height of the filter element." Such an extension is not

taught by the applied art, and the results are certainly not predictable. If anything, the applied art implies that pleat-ganging benefits would be diminished by such an extension -- whereby the Examiner's cited reason for the combination would be destroyed.

As for claims 80 - 87, the Examiner contends that the transitional phrase "consisting essentially of" does not preclude another support structure surrounding (*i.e.*, the McDonnell perforated screen 14) from surrounding a pleat-ganging netting 18. Allegedly, it is not made clear in the specification what "constitutes a material change in the basic and novel characteristics of the invention." But the specification discusses details of the attachment of exoskeleton to the filter media "so that fluid flow is not restricted" while still providing a "tight array of peak attachment" so that filter media is "sufficiently supported."¹ Such non-restriction and sufficiently-support features would not be addressed unless another supporting (and potentially restricting) structure would constitute a material change in characteristics.

In the event any fee or additional fee is due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (under the above Docket Number). In the event an extension of time is needed to make the filing of this paper timely and no separate petition is attached, please consider this a petition for the requisite extension and charge the fee to our Deposit Account No. 18-0988 (under the above Docket Number).

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By /Cynthia S. Murphy/
Cynthia S. Murphy, Reg. No. 33,430

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

CERTIFICATE OF MAILING, FACSIMILE OR ELECTRONIC TRANSMISSION	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents address below. <input checked="" type="checkbox"/> being transmitted via the USPTO Electronic Filing System.	
<u>/Cynthia S. Murphy/</u> Cynthia S. Murphy	<u>October 17, 2007</u> Date

M:\PARK\P135\P0060\P135P0060US.reply brief.wpd

1. See e.g., page 3, lines 26-29 and page 4, lines 10-12.